

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRANDON L. PIERCE,

Plaintiff,

VS.

SGT FOSTER, SGT PARCELL,
SPOKANE COUNTY JAIL
CORRECTIONAL SERGEANTS,
and DR. KENNEDY,

Defendants.

NO. CV-12-079-CI

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING ACTION

Magistrate Judge Imbrogno filed a Report and Recommendation on April 4, 2012, recommending Mr. Pierce's action be dismissed for failure to comply with the filing fee requirements. ECF No. 8. Specifically, Mr. Pierce failed to either pay the filing fee or to complete and file a financial affidavit as required by 28 U.S.C. § 1915(a)(1). Plaintiff had initiated this action while incarcerated but was subsequently released. There is no mechanism for collecting the filing fee in partial payment once a prisoner has been released from incarceration. 28 U.S.C. § 1915(b)(2).

There being no objections, the Court **ADOPTS** the Report and Recommendation. This action is **DISMISSED WITHOUT PREJUDICE** for failure to obey a Court Order to comply with the filing fee requirements of 28 U.S.C. §§ 1914(a) and 1915(a).

IT IS SO ORDERED. The District Court Executive is directed to enter this

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
ACTION-- 1**

1 Order, enter judgment, forward a copy to Plaintiff and close the file. The Court certifies
2 any appeal of this dismissal would not be taken in good faith.
3

4
5 **DATED** this 14th day of May 2012.
6

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

s/Robert H. Whaley
ROBERT H. WHALEY
SENIOR UNITED STATES DISTRICT JUDGE

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
ACTION-- 2